

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

DANIEL ERIC COBBLE,

Plaintiff,

v.

BRIAN OWENS, Commissioner of
Georgia Department of Corrections,

Defendant.

CIVIL ACTION NO.: CV613-020


ORDER

After an independent and *de novo* review of the entire record, the undersigned concurs with the Magistrate Judge's Report and Recommendation, to which Objections have been filed. In his Objections, Plaintiff asserts that the requirement that he set forth facts revealing that he was in imminent danger of serious physical injury at the time he filed his Compliant under 28 U.S.C. § 1915(g) does not apply to him. The reason Plaintiff contends this requirement is inapplicable is because "all previous strikes courts made against [him] were either caused by illegal prison employees['] action that [the Court is] blaming [him] for or because courts ruled erroneously[.]" (Doc. No. 25, p. 1) (emphases in original). Plaintiff contends that a judge with the Georgia court system determined that he was legally insane, and any "strikes" he accrued between 2002 and 2003 are illegal. Plaintiff also contends that the Prison Litigation Reform Act ("PLRA") only applies to individuals who are held in prison legally. Plaintiff alleges that this Court is leaving him with no choice but to force him to use "extreme

violence to get [his] property" back. (Id. at p. 2). Plaintiff makes numerous other assertions, all of which are vague and unresponsive to the Magistrate Judge's Report and Recommendation.

There is nothing before the Court, other than Plaintiff's general allegations to the contrary, that the strikes Plaintiff has accrued should not count or that he was in imminent danger of serious physical injury at the time he filed his Complaint. Plaintiff's Objections are without merit and are **overruled**. The Magistrate Judge's Report and Recommendation is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**, without prejudice. If Plaintiff wishes to proceed with his cause of action, he may do so by resubmitting his complaint along with the full filing fee. The Clerk of Court is directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 16 day of June, 2013.


B. AVANT EDENFIELD, JUDGE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF GEORGIA